

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) **No. 3:95-CR-184-M**
)
LARRY GENE POWELL)

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Paul D. Stickney. Larry Gene Powell filed objections, and the District Court has made a *de novo* review of those portions of the proposed Findings, Conclusions, and Recommendation to which objection was made. The objections are overruled, and the Court accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Larry Gene Powell's Motion (doc. 148) is a successive Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. The Clerk of Court is directed to open a new civil action for administrative purposes only; to file the motion in that action as a § 2255 motion filed on August 9, 2009; to file the Court's order in that action as an order of transfer; and without further judicial action, to **TRANSFER** immediately the new § 2255 motion to the United States Court of Appeals for the Fifth Circuit as a successive § 2255 motion.

For purposes of continuity, the Clerk shall directly assign the new civil case to United States District Judge Barbara M.G. Lynn and to United States Magistrate Judge Paul D. Stickney.

The Government's Motion to Dismiss as Time-Barred (doc. 154) is denied as moot.

SO ORDERED this 4th day of November, 2009.



Barbara M. G. Lynn
BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS